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December 22, 2016

**Mayor David A. Condon**

EPA Region 10  
Office of the Regional Administrator

Dennis McLerran, Administrator  
EPA Region 10  
1200 Sixth Avenue  
Mail Code: RA-210  
Seattle, WA 98101

Dear Mr. McLerran:

As Mayor of the City of Spokane, I am writing to inform you that the City is encouraging the State of Washington to challenge the Environmental Protection Agency's (EPA) partial disapproval of the Washington water quality standards and adoption of the EPA's separate set of standards for Washington. And, I would also seek guidance on how the EPA might reconsider its recently released water-quality rule.

The City is committed to improving the health of the Spokane River. As you are well aware, we have embarked on investments totaling more than \$300 million to keep pollutants out of this incredible public asset. The City and the Spokane region, in concert with the Washington State Department of Ecology (DOE), have been a leader in developing innovative and direct-to-implementation projects which specifically address and reduce PCBs and other toxics in our watershed. We celebrate the river as our greatest natural asset and seek to protect it for future generations.

The EPA has turned DOE's thoughtful and science-based rule on its head, leaving DOE with a nearly impossible compliance workload, municipal dischargers with unachievable and immeasurable standards, and the public with a tremendous financial drain on the economy without a reasonable expectation of an increased health benefit.

Consistently, over the past several years, the City has supported DOE's process to update the Water Quality Standards for Protecting Human Health (fish consumption rates) as found in Chapter 173-101A of the Washington Administrative Code (WAC).

DOE worked hard to develop a thoughtful water quality rule based on sound science in order to protect human health. The DOE rule considered the unique attributes of the state's watersheds, the discharges within our state, and the efforts which have been undertaken to reduce pollution in Washington. We applauded DOE's efforts in developing criteria for PCBs, arsenic, and methyl mercury that used scientific standards, common sense, and conditions within Washington state. The City has strongly supported DOE's reasonable approach to meeting water quality standards—an approach that considers affordability for our citizens, available technology, and achievable timelines.

***The City of Choice***

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The City is especially concerned about maintaining affordability of its utility services to assist our families. In 2015, the City's median household income (MHI) was \$44,350, considerably lower than the City of Seattle's MHI of \$75,331, the state's MHI of \$64,129, and the U.S.'s MHI of \$55,775. As a result, the City has committed to limit annual rate increases to inflation for the next 20 years and still achieve the environmental results previously set for the City.

Washington is a delegated state. Washington state—by EPA's own admission—is already one of the most environmentally protective states in the nation. You were quoted in a news release on the EPA standards as saying, "Washington maintains one of the strongest water programs in the entire nation." Yet, EPA has chosen to override DOE's good work, ignore the input of Washington citizens, businesses, and government agencies, and render standards for particular pollutants that are frankly unattainable and immeasurable.

By comparison, in Idaho, a new fish consumption rule is nearing final adoption. That rule has been updated to reflect EPA's comments, which support using a daily fish consumption amount that's less than half of the amount the agency required for Washington citizens and a lifetime cancer risk of one in 100,000 compared to the one in a million for Washington's rule. For PCBs, those differences resulted in a standard of 190 ppq in Idaho, compared to Washington's 7 ppq. This will influence the very watershed that feeds the Spokane River. Notable is that Idaho is not yet a delegated state, and EPA still has primary regulatory authority. We are very mindful that Idaho and Washington share the Spokane and Snake rivers.

We also question the process EPA used with this rulemaking action. Under 40 CFR 131.21 and .22, the federal government is required to notify states of any water quality standards disapproval and allow states 90 days to remedy the objection. EPA's sequence of decision-making, providing notice, and rule promulgation did not follow such a timeline. This precludes a state/federal government process to re-evaluate the legal and public policy merits of each position.

DOE was granted the authority to manage our state's environmental rules and assets for a reason—because its leaders and employees understand the needs of Washington better than the federal government and they are steadfast in their commitment to protect the state's environment and citizens. We believe that the DOE is in the best position to set policy for Washington.

Thank you for your attention to this important policy matter. We would appreciate any additional insight you might provide us.

Sincerely,



David A. Condon  
Mayor